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ABSTRACT

To establish effective school discipline policies, educators must understand the nature of and reasons for misbehavior, social and legal attitudes toward the school's disciplinary function, acceptable responses to disciplinary problems, and the components of effective policies. This booklet's first chapter considers the need for discipline in schools and recent trends in student behavior and national concerns about violence. The second chapter examines the changing role of the school and the application of tort law, criminal law, parental responsibility law, state constitutional law in the school setting, and local initiatives for safe schools. Chapter 3 distinguishes between criminal and noncriminal behavior, reviews appropriate sanctions for each, and discusses the school's responsibility for keeping records and developing responses to patterns of misbehavior. The chapter also defines terms used to describe criminal acts. Chapter 4 presents 10 rules to follow when developing student-discipline regulations. The fifth chapter selects typical regulations from 713 secondary-school student handbooks to provide a model code of conduct. The special problems of disciplining students in special education are considered in the sixth chapter. The final chapter lists student handbooks from around the United States; books discussing student discipline; and relevant films, filmstrips, and videotapes. (LMI)

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School Discipline Notebook

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School Discipline Notebook

Revised Edition

National School Safety Center

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As a national clearinghouse, the Center communicates the latest trends and effective programs in school safety to educators, law enforcers, the legal community, government officials, the media and the public.

Center activities include producing print and multimedia informational materials for practitioners; creating public service advertising to promote public awareness; providing technical assistance; developing legal and legislative resources; and presenting training conferences.

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Introduction

So many of today's young people are in a hurry to grow up. They're anxious to enjoy what they perceive as the benefits of adulthood. They envision trying new things, helping decide the direction of the future, and, of course, enjoying that magical commodity -- freedom.

When you think about it, schools were established to prepare young minds for these very goals. Perhaps education's primary function is to transfer the knowledge and learning of the past to new generations. But this goal includes the transmission of positive social values and self-discipline, attributes that make all learning possible.

Self-discipline must be taught and nurtured. And while students are mastering this critical skill, it falls to educators to provide an orderly learning environment. School discipline is simply a means to an end — the system that will make it possible for young people one day to try new things, determine the future and enjoy personal freedom.

Self-discipline by students and teacher-imposed discipline in classrooms deter school disruptions. Schools in which discipline is emphasized have an inherent order and sense of safety and security without being oppressive. Discipline is a preventive approach to check student misbehavior before it becomes delinquent or criminal. In addition, properly managed classes produce learning and satisfaction and avoid frustration and anxiety — unproductive conditions for students and faculty.

School discipline is central to the educational process. Effective learning cannot occur in an unsafe environment. President Bush recognized the inseparable nature of discipline and learning when he said:

> Nothing better defines what we are and what we will become than the education of our children. If we want to combat crime and drug abuse, if we want to create hope and opportunity in the bleak corners of this country where there is now nothing but defeat and despair, we must dispel the darkness with the enlightenment that a sound and well-rounded education provides.

Education is one way to combat crime and violence in society. But it cannot occur with crime and violence in the schools. Thus, the following goal of President Bush and the nation's governors is also fundamental to effective education:

> By the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning.

This book will help educators meet these goals through the establishment of fair and effective discipline. It reviews student responsibilities and rights, including the right to safe schools. The correlation between orderly, disciplined schools and safe, productive schools is examined. This publication also explains legal policies that regulate discipline methods used in schools.

In addition, suggestions are offered for the many practical tasks required of educators, including preparing discipline codes, developing a success strategy for school discipline, defining and tracking rule infractions and disciplining special education students. A comprehensive resource section suggests publications, policies and films providing further assistance with school discipline.

Chapter 1

The need for school discipline

Discipline has been defined as "training that is expected to produce a specific character or pattern of behavior, especially training that produces moral or mental improvement." It has been described by educators as "ordered behavior that leads to better learning."

Within this context, discipline is not something that simply does or does not exist in school; it is the essential matrix of learning. Clearly, discipline is something that must be consciously and energetically pursued and taught. It is the means by which students are nurtured to learn, to develop responsibility and, ultimately, to control their own actions. Discipline is a social necessity; it is the essence of learning.

Unfortunately, behavioral ideals are not always achieved. Thus, campus and classroom discipline are not always maintained. Most incidents of school misbehavior are petty, disorderly infractions. While these incidents generally are nonviolent, they can still exact a heavy toll on the psychological health of a school and directly affect faculty, staff, administration, students and the community at large.

Research indicates violent crime in the schools constitutes a relatively small, but nonetheless serious, portion of total campus misbehavior problems. Morally and ethically speaking, any physical injury, theft, property damage, drug traffic or abuse, or similar misbehavior in a school is unacceptable. Such misbehavior creates distractions and, at times, disabling fears for innocent students and staff.

Not only is student misbehavior socially undesirable, frequently it also produces destructive side effects. Lost instructional time that is devoted to behavior management and lost progress in student achievement make disci-

pline problems extremely wasteful of human resources and energy. Millions of dollars that would normally be allotted for educational and academic programs are being diverted to school security and protection systems. Additionally, even when students and staff are not personally endangered, costs of replacement or repair to damaged, destroyed or stolen school or personal property diverts essential resources from learning. Misconduct, whether by student or interloper, is detrimental to the academic progress and physical and psychological safety of everyone in a school.

Although there are fewer incidents of dangerous misconduct than non-dangerous misconduct, any threat or incident of misbehavior that poses a risk of harm to students or teachers or their property must not be tolerated in the educational setting. A better school is a safer school, a school in which students and teachers feel safe when doing their jobs. A better school is one dedicated to working with all segments of the constituent community, one committed to effectively educating all students and responding to local needs and priorities. A better school is one consumed with the goal to graduate self-confident, self-sufficient young people who are prepared to work, vote and function as productive citizens.[1] Every student has a basic, if not legal, right to attend a school with a safe, secure and peaceful learning environment.[2] Accordingly, the primary goal of this notebook is to share ideas which will help school officials to create and maintain effective safe school campuses.

Endnotes

1. National School Boards Association. *Toward Better and Safer Schools: A School Teacher's Guide to Delinquency Prevention.* Alexandria, VA: National School Boards Association, 1984, p. 3.
2. The nature and extent of a legal right to attend a safe school is still being developed by the courts. For an explanation of that right in California, *see* Sawyer, Kimberly A. "The Right to Safe Schools: A Newly Recognized Inalienable Right." Sacramento, CA: National School Safety Center, reprinted from *The Pacific Law Journal*, McGeorge School of Law, University of the Pacific, Vol. 14, No. 4, July 1983.

Chapter 2

Right to safe schools

Few will deny our schools must, of necessity, develop, implement and enforce effective student discipline policies and procedures. This need is recognized, in part, because of widely disseminated reports of crime and violence on school campuses.[1] But the need for discipline policy also is based on an evolving element of the student-school relationship — the *right* to safe schools.

In *loco parentis* and *parens patria* doctrines

A school traditionally has been considered to act *in loco parentis* for its students; that is, the school acts *in the place of a parent or guardian* and with almost the same rights, duties and responsibilities.[2] Under this theory, school officials could act as if they were parents/guardians and do anything they deemed appropriate for the supervision or betterment of students. Whether actions thus taken were wise or the aims worthy was a matter left solely to the discretion of school officials. In the exercise of that discretion, the courts were not expected to interfere.[3]

Applying the *in loco parentis* doctrine, a school had no specific duty to assure safe schools, although it has been suggested a school was expected under the doctrine to protect students from harmful and dangerous influences.[4] Indeed, in the few states where the doctrine is applied in school safety cases, willful and wanton misconduct on the part of school officials must be established in order to recover damages,[5] which is a difficult burden.[6]

The rights of parents, guardians and schools have nevertheless been subject to the overriding interest of the state. The state, as *parens patriae*, or

"guardian of minors," may restrict parental discretion and impose specific school obligations. While this authority has been used to require attendance at school,[7] mandate curriculum[8] and impose other requirements, it has, heretofore, generally not been used to afford students the right to safe schools other than to require schools to follow minimum fire and building codes[9] and require student immunizations.[10]

Tort liabilities

With the elimination of governmental tort immunity,[11] general tort law served as the avenue for claims to a right to safe schools. Whereas the *in loco parentis* doctrine limited claims to those for intentional injuries, general tort law allowed for claims based merely on negligence. This is significant because in practically any situation where nonintentional injury to a person or property occurs, a potential negligence claim exists against the person who caused the damages.[12]

Negligence involves four elements: (1) a duty or obligation, recognized by law, requiring an individual to conform to a certain standard of conduct for the protection of others against unreasonable risks; (2) failure to conform to a reasonably required standard; (3) a reasonably close causal connection between the conduct of the individual responsible for the person under supervision and the resulting injury, that is, proximate cause; and (4) an actual loss or damage resulting to the interests of another.[13]

Applying these elements, courts have no hesitancy imposing liability on a school when a student is injured as the result of the direct negligence of a school employee.[14] Courts have been less inclined, however, to impose liability where claims are based on injuries by fellow students because, ordinarily, there is no relationship of *respondeat superior*, or "agency," between the school and the student.[15] Similarly, liability seldom has been imposed as the result of criminal activities because generally there is no duty to control the conduct of another and no duty to warn those who may be endangered by the conduct.[16]

Where injuries by fellow students or criminal activities are involved, courts generally have imposed liability only if it is established the injuries were foreseeable and there was an opportunity for school officials to prevent them.[17] For example, school officials will not be liable when a 10-year-old youngster is abducted and slain where there was no evidence of potential criminal conduct in the area.[18] However, they have been held liable when a 12-year-old student was raped in a gymnasium during noon recess where the incident should reasonably have been anticipated because there

was unrestricted access to the darkened room in an out-of-the-way location,[19] or where a student is assaulted after school officials had learned of similar incidents in the same area.[20]

In requiring that injuries be foreseeable, courts have held a school is not an insurer of the safety of students.[21] Accordingly, liability has not generally, heretofore, been imposed simply because of a common recognition that crime and violence are problems in the nation's schools. At most, schools previously have had only an obligation under general tort law to reasonably supervise the conduct of students[22] and to respond to dangers and risks it can or should reasonably foresee.[23] However, faced with known school safety risks growing school exposure to liability is being demonstrated in legal and legislative actions throughout the nation.[24]

Criminal law protections

To deal with crime and violence in schools, many states have enacted criminal law protections for students and teachers.[25] For example, some states statutorily enhance the penalty or classification for a criminal battery against teachers or legislatively prohibit students from abusing teachers. Although many of these statutes are upheld in the face of equal protection or other constitutional challenges, a number have been held unconstitutional for being overbroad.[26] There are also federal statutes that address crime and violence in schools. The drug-free school zone and gun-free school zone laws include enhanced penalties for anyone convicted of the sale or possession of drugs or the possession of a loaded firearm within 1,000 feet of a school.[27] California has followed this lead and enacted a "Street Terrorism Enforcement and Prevention Act" that created gang-free school zones.[28]

Further, while it is the goal of such laws ultimately to deter misconduct, they focus on punishment rather than on prevention or actual redress for crimes or violence directed against students or staff.

Parental responsibility laws

While at common law parents or guardians generally were not liable for damage caused by their children,[29] statutes have been adopted in many states making parents responsible for damages of their unemancipated children, particularly when the damage results from some intentional conduct.[30] These statutes were enacted to serve two goals: (1) to compensate victims of crimes by imposing vicarious liability on parents or guardians of youngsters who intentionally or maliciously harm the person or property of another; and (2) to deter crime by encouraging increased parental supervi-

sion.[31] The effectiveness of these statutes to serve either of these worthy purposes has been curtailed because recoverable damages typically are limited to about $750.[32] However, there are some exceptions. For example, California has enacted statutes that dramatically increase the liability of the parent or guardian whose minor willfully injures someone at school or on school property.[33]

A constitutional right to safe schools

In response to a perceived inadequacy in current legal protections and remedies and in an effort to give constitutional parity between the rights of victims and perpetrators of crime and violence, the voters of California in 1982 approved Proposition 8, which is commonly known as "The Victims' Bill of Rights." In its preamble, the measure declares that safeguards for victims' rights are necessary "so that public safety is protected and encouraged...."[34] In addition, the provision states "such public safety extends to public... school campuses, where students and staff have the right to be safe and secure in their persons."[35] Among the specific rights guaranteed is the inalienable *right to safe schools*.[36]

Prior to the approval of "The Victims' Bill of Rights," the California Department of Justice sought to establish a constitutional right to safe schools in a lawsuit filed against the Los Angeles Unified School District.[37] The underlying premise of the claim was quite simple. Students and teachers have the constitutional right to learn and teach in a peaceful environment.

Five arguments were raised in the case against the district, all of which relied on the view that violence and crime at schools deny constitutional rights: (1) when students are required to attend school by compulsory education laws, an excessive level of crime and violence violates students' rights against cruel or unusual punishment; (2) when that crime and violence disrupts the learning environment, students are denied the right to a free public education as provided in the state constitution; (3) crime and violence at school deny students fundamental rights to personal security; (4) students are denied equal protection when substantial disparities exist in the level of violence between one district and other school districts; and (5) students are denied substantive due process rights when they do not receive proper education at the school to which they are assigned due to crime and violence.[38] Notwithstanding these claims, the courts refused to hold that a school had an affirmative duty to make schools safe.[39] As a result, such a constitutional right was thereafter amended into the state constitution by "The Victims' Bill of Rights."

That safe school provision states: "All students and staff of public primary, elementary, junior high and senior high schools have the inalienable right to attend campuses which are safe, secure and peaceful."[40] The California Supreme court has upheld the validity of the initiative,[41] but has limited the law's scope to safety from criminal behavior.[42] The full scope of California's constitutional right to safe schools continues to develop. Although its drafters' declared intention was that the right would be mandatory and self-executing,[43] the judiciary has found that the right "is not self-executing, in the sense that it does not provide an independent basis for a private right of action for damages" and "although inalienable and mandatory, simply establishes the parameters of the principle enunciated; the specific means by which it is to be achieved for the people of California are left to the Legislature."[44]

From a federal constitutional law perspective, the United States Supreme Court has stated that there is actually no constitutional right to an education at all — safe or unsafe.[45] The Supreme Court has also stated that neither a single act of negligence[46] nor a failure to act to protect a person not in custody or with which a special relationship exists[47] form the basis for civil rights claims. However, this is an area likely to develop in coming years because implicit in these decisions is the recognition that in circumstances where deliberate indifference on the part of school officials is alleged in school safety cases, a claim may be stated.[48]

Local initiatives for safe schools

California's lead, in providing a constitutional right to safe schools, has not yet been followed by other states. But it has encouraged schools throughout the nation to make school safety a priority.[49] The primary goals, after all, should not be to provide a remedy to students and staff who are victims of crime and violence, but to prevent them from becoming victims.

Courts are increasingly inclined to provide schools the constitutional tools to deal with crime and violence.[50] Governmental agencies are poised to organize[51] and fund[52] safety efforts. The responsibility now rests with schools to provide teachers and students safe environments in which to teach and learn. If for no other reason, that responsibility should be met to avoid the liabilities that might otherwise be imposed on schools. More appropriately that responsibility should be met to assure students an atmosphere that is "safe and welcoming,"[53] one conducive to the orderly process of classroom learning. The time has come for the right to safe schools to be a part of the student-school relationship.

Endnotes

1. *See, e.g.*, 1 NIE, U.S. Depart. of Health, Education and Welfare, *Violent Schools-Safe Schools: Safe School Study Report to the Congress* (1978).
2. In addition to this theory, there are a number of other theories of the student-school relationship, each with its own concept of rights and responsibilities. *See* J. Rapp, *Education Law* (Matthew Bender & Co., Inc.) § 8.01.
3. J. Rapp, *Education Law* § 8.01[2][b].
4. *See, e.g., Bradshaw v. Rawlings*, 612 F.2d 135 (3rd Cir. 1979); *People v. Jackson*, 65 Misc. 2d 909, 319 N.Y.S.2d 731 (N.Y. App. Term. 1971) *aff'd*, 30 N.Y.2d 734, 284 N.E.2d 153, 333 N.Y.S.2d 167 (1972). At common law, a parent was not under a duty to control his child from intentionally harming others unless that parent knows or has reasons to know that he has the ability to control the child, and knows or should know of the necessity and opportunity for exercising that control. Restatement (Second) of Torts, § 316.
5. *Gammon v. Edwardsville Community Unit School Dist.*, 82 Ill. App. 3d 586, 403 N.E.2d 43, 38 Ill. Dec. 28 (1980) (immunity not available to educators where a student was injured by a fellow classmate after the school counselor was warned of the classmate's threats).
6. *Mancha v. Field Museum of Natural History*, 5 Ill. App. 3d 699, 283 N.E.2d 899 (1972); *Templar v. Decatur Pub. School Dist.*, 182 Ill. App. 3d 507, 538 N.E.2d 195, 131 Ill. Dec. 7, 53 *Educ. L. R.* 939 (1989), *cert. denied*, 127 Ill. 2d 642, 545 N.E.2d 132, 136 Ill. Dec. 608 (1989).
7. *See generally* J. Rapp, *Education Law* § 8.03.
8. *See* J. Rapp, *Education Law* § 11.01.
9. *See* J. Rapp, *Education Law* § 4.01[4][f].
10. *Zucht v. King*, 260 U.S. 174 (1922).
11. The Supreme Court of Illinois eliminated the doctrine in 1959. *Molitor v. Kaneland Community Dist.*, 18 Ill. 2d 11, 163 N.E.2d 89 (1959). Since that time, the majority of states have done so.
12. J. Rapp, *Education Law* § 12.02[4][g].
13. W. Keeton, *Prosser and Keeton on the Law of Torts* 164-65 (5th Ed. 1984).
14. *See generally* J. Rapp, *Education Law* § 12.02.
15. *See generally* Annot., 36 A.L.R.3d 330 (1971) (regarding tort liability of public schools for injuries caused by acts of fellow students). *Respondeat superior* is a maxim which means that one person, such as an employer, is liable in certain cases for the wrongful acts of another, such as an employee.
16. Restatement (Second) of Torts, § 315.
17. *See generally* J. Rapp, *Education Law* § 12.02[5][e],[k].
18. *Chavez v. Tolleson Elementary School Dist.*, 122 Ariz. 472, 595 P.2d 1017 (Ariz. Ct. App. 1979).
19. *McLeod v. Grant County School Dist.*, 42 Wash. 2d 316, 255 P.2d 360 (1953).
20. *See, e.g., Peterson v. San Francisco Community College Dist.*, 36 Cal. 3d 799, 205 Cal. Rptr. 842, 685 P.2d 1193 (1984) (college may be liable for failure to warn its students of known dangers posed by criminals on campus).
21. *Patterson v. Orleans Parish School Bd.*, 461 So. 2d 386, 22 *Educ. L. R.* 662 (La. Ct. App. 1984).
22. *Daily v. Los Angeles Unified School Dist.*, 2 Cal. 3d 741, 87 Cal. Rptr. 376, 470 P.2d 360

(1970).

23. The typical response is to suspend or expel an offending student after an incident occurs. K. Sawyer, "The Right to Safe Schools: A Newly Recognized Inalienable Right," 14 *Pac. L.J.* 1309, 1325 (1983).
24. *See generally* J. Rapp, F. Carrington and G. Nicholson, *School Crime & Violence: Victims' Rights* (National School Safety Center, 1986); J. Rapp, *Education Law* § 12.05; J. Rapp and F. Carrington, *Victims' Rights: Law and Litigation* Ch. 12 (Matthew Bender & Co., Inc, 1989).
25. *See generally* J. Rapp, *Education Law* § 12.05.
26. *See, e.g., State v. Reyes*, 700 P.2d. 1155, 25 *Educ. L. R.* 908 (Wash. 1985) (statute prohibited insulting or abusing a teacher anywhere on the school premises while the teacher was carrying out his official duties).
27. *See* 21 U.S.C. § 841; 18 U.S.C. § 922(q).
28. Cal. Penal Code § 186.22 (West 1992).
29. *But see* Restatement (Second) of Torts, § 316.
30. *See* J. Goldman, "Restitution for Damages to Public School Property," 11 *J. of L. & Educ.* 147 (1984); D. Prescott and C. Kundin, "Toward a Model Parental Liability Act," 20 *Cal. W.L. Rev.* 187 (1984), both reprinted in National School Safety Center, *School Safety Legal Anthology* (1985). *See generally* Annot., 8 A.L.R.3d 612 (1966) (regarding the validity and construction of statutes making parents liable for torts committed by their minor children).
31. Note, "The Iowa Parental Liability Act," 55 *Iowa L. Rev.* 1037 (1970).
32. J. Goldman, "Restitution for Damages to Public School Property," 11 *J. of L. & Educ.* 147, 152 (1984).
33. Cal. Civil Code § 1714.1 (West 1992) is not limited to the school setting and makes parents or guardians jointly and severally liable up to $10,000. Cal. Educ. Code § 48904 (West 1992) uses almost identical language but focuses on school persons or property and limits the liability of the parent or guardian to $7500.
34. Cal. Const. art. I, § 28(a).
35. *Id.*
36. *See* Cal. Const. art. I, § 28.
37. *People ex rel. George Deukmejian*, No. C323360 (Super. Ct. County of L.A., filed May 21, 1980).
38. *See* K. Sawyer, "The Right to Safe Schools: A Newly Recognized Inalienable Right," 14 *Pac. L.J.* 1309, 1313 (1983).
39. *Id.* at 1313-1314. The Superior Court of Los Angeles County dismissed the case and this was upheld by the appellate court. The California Supreme Court refused to hear the case. By that time Proposition 8 had been approved and the case was effectively rendered moot.
40. Cal. Const. art. I, § 28(c).
41. *Brosnahan v. Brown*, 32 Cal. 3d 236, 186 Cal. Rptr. 30, 651 P.2d 274 (1982).
42. *Id.*
43. *See* Barrett, *Education Source Book: The State Legislator's Guide for Reform, American Legislative Exchange Council*, Washington, D.C., 46 (1985); Ullman, "After T.L.O.: Civil Liability for Failure to Control Substance Abuse," 24 *Educ. L. R.* 1009, 1104-1105 (1985); Carrington and Nicholson, "The Victims' Movement: An Idea Whose Time Has Come," 11 *Pepperdine L. Rev.* 1, 11-12, (1984, Symposium); Nicholson, et al., eds., *School Safety & the Legal Community*, Pepperdine University Press, Sacramento, 6-7 (1984); *Law in the School*, Fifth Edition, California Department of Justice, Sacramento, 1-14 (1990);

and K. Sawyer, "The Right To Safe Schools: A Newly Recognized Inalienable Right," 14 *Pac. L.J.* 1309 (1983).

44. *Clausing v. San Francisco Unified School Dist.*, 221 Cal. App. 3d 1224, 271 Cal. Rptr. 72, 78-79, 61 *Educ. L. R.* 173 (1990), *review denied*, 1990 Cal LEXIS 4382 (Cal. 1990). *See also Leger v. Stockton Unified School Dist.*, 202 Cal. App. 3d 1448, 249 Cal. Rptr. 688, 47 *Educ. L. R.* 1093 (1988).
45. *San Antonio Indep. School Dist. v. Rodriguez*, 411 U.S. 1 (1973).
46. *Daniels v. Williams*, 474 U.S. 327 (1986).
47. *DeShaney v. Winnebago County Dept. of Soc. Servs.*, 489 U.S. 189 (1989).
48. *Stoneking v. Bradford Area School Dist.*, 882 F.2d 720, 55 *Educ. L. R.* 429 (3d Cir. 1989), *cert. denied sub nom., Smith v. Stoneking*, 43 U.S. 1044 (1990).
49. For example, in an amendment to its Standards of Behavior, the Boston Public School District recognizes: Students have the right to an education and to all rights guaranteed by the Constitution including the right to personal safety.
50. *See, e.g., New Jersey v. T.L.O.*, 469 U.S. 325 (1985) (easing the standard for searches in a school setting to one of reasonable grounds rather than probably cause).
51. A leader in this organization has been the National School Safety Center. The Center promotes a continued exchange of information related to school safety and delinquency prevention among school boards, educators, judges, lawyers, law enforcers and other public and private officials, agencies and organizations.
52. Because in California there is now a constitutional right to safe schools, funding is probably mandatory in much the same way as funding of desegregation to assure equal protection is mandatory. *See* K. Sawyer, "The Right to Safe Schools: A Newly Recognized Inalienable Right," 14 *Pac. L.J.* 1309, 1332-1335 (1983).
53. *In re William G.*, 40 Cal. 3d 550, 709 P.2d 1287, 221 Cal. Rptr. 118 (1985).

Chapter 3

Criminal and noncriminal acts

In the school setting, the distinction between violations of criminal codes and school rules sometimes becomes blurred. For instance, a school disciplinarian may be unaware that the fight for which he or she has suspended both participants actually was assault and battery — criminal offenses in which one of the parties was an unwilling victim. When school administrators are unable to differentiate between criminal and school rule violations, the usual outcome is the offense is handled by school staff. If the violation actually is a criminal act, this response is incorrect. When a crime is committed on campus, school administrators are required to contact community law enforcers to enable them to take appropriate action.

Naming events

The label given to a misdeed often determines how school staff perceive and respond to it. Administrators should be aware of the technical definitions of criminal acts and understand how these acts are distinct from noncriminal behavior.

For example, a school has experienced a burglary if property has been removed from the building after the school has been closed at night or on weekends or holidays. An appropriate response to this crime is the installation of an intruder alarm system. On the other hand, if the property was removed from a building during school hours, then the problem likely is student or employee theft. Appropriate response actions in this case include better inventory control, tighter supervision of areas of potential loss, and perhaps the introduction of instructional units on ethics and morality. To choose the appropriate strategy, school officials need to know if the crime is

burglary or theft.

Criminal intent is another important consideration in responding to some student misbehavior. Administrators frequently encounter cases of apparent theft of student property that, in fact, are not truly crimes. Generally stated, an offense at school is *criminal* if the offender had *criminal intent* when the act was committed.

To determine if offenses are criminal or noncriminal, administrators should ask these questions: (1) Was one student an unwilling victim who had tried unsuccessfully to avoid the incident? If this is true, then it is likely the offender committed a crime. (2) Did the youngster who committed the act *borrow* a classmate's expensive science project without permission in order to copy it? In this incident, while the offender lacked good judgment, the act is considered noncriminal and handled by school officials. (3) Did the student take someone's camera from the gym locker room after repeated similar, but less serious, offenses and warnings? Barring exceptional circumstances, this act would be treated as a crime and referred to local law enforcers for prosecution as a theft. In these situations, the operative factor is the criminal intent of the student offender at the time the misdeed occurred.

A special evaluation must be made when the offender is a student classified within the framework of P.L. 94-142, the Education for All Handicapped Children Act of 1975. The misdeeds of these children, including acts of violence, at first may appear to be criminal. Further investigation, however, may reveal the action resulted from frustration related to the youngster's disability rather than from an intent to commit a crime. (See Chapter 6, *Special education student discipline*.)

Determining consequences for violations

While the district school board is responsible for adopting student discipline codes and sanctions, in many districts the board allows school site administrators substantial discretion in the sanctions they may impose on student offenders. This policy can lead to inequality of dispositions. For example, a student found to be truant for one day may be suspended by one administrator, while at a neighboring school, a student referred for an identical offense may be excused with only a warning that future truancy will result in a more serious penalty.

Usually in-school drug use is recognized as a violation of law and treated by educators as a serious offense. The same cannot always be said of vandalism, fights and petty theft. Sometimes in an attempt to help troubled stu-

dents educators play down the seriousness of these acts. In some schools, any altercation, even those that are not truly mutual, are treated as fights, rather than as assaults and batteries. Similarly, there is a tendency to treat all acts of vandalism alike. Often no distinction is made between minor or costly acts or between vandalism directed against the school and acts directed against staff or other students. Grand and petty theft frequently also go undifferentiated. Combining disciplinary and criminal offenses also adds to an administrator's confusion about the seriousness of student misdeeds. When fights are not distinguished from batteries, thefts are not separated from burglaries, and crimes against persons and property are combined, appropriate administrative response is unclear.

Administering sanctions

Frequently school administrators are adequately prepared to deal with minor criminal incidents on campus, and in many cases community law enforcers will work with educators, allowing them to respond to a first, minor offense. Local enforcement officials may believe it is inappropriate to make contact with a juvenile for the first offense of a crime the law enforcers consider inconsequential. Once a school administrator has identified an incident as being a criminal offense, contact must be made with the local law enforcement agency, and the appropriate course of action can be mutually decided. The school district needs the assistance of local law enforcers when developing a written discipline policy and procedures. School and law enforcement officials jointly should determine: (1) the types and seriousness of acts to be addressed by the school, by law enforcers and cooperatively; (2) the procedure for joint review of operative policies for dealing with student school crime; and (3) the system to initiate change in policies for disciplining students involved in school crime.

If the discipline for specified minor criminal acts has been referred to school administrators with the concurrence of law enforcers, it is imperative educators act appropriately and without bias. For example, a school administrator may believe students should not bring expensive personal property to school. Accordingly, if there is a theft of costly student property, the educator may express concern and yet dismiss the incident based on the belief the owner was at fault for bringing the property to school. While this view may seem reasonable, it misses the point. A crime has been perpetrated against a schoolchild, and the victim is looking to adult school authorities to do what is right and help resolve the problem. When the appropriate response is taken, school administrators establish a positive, caring atmo-

sphere in the school. To achieve this positive campus climate, it is important that minor school crimes are not ignored and left to grow into more serious disturbances.

Using good judgment

Although school officials should respond to all criminal conduct, it is neither practical nor required that every criminal incident be reported to law enforcement. Crimes are committed when a student steals $5.00 from a locker or intentionally kicks and damages a vending machine. But the school will probably handle these cases and not report them. The student will be suspended, his or her parents/guardians informed of the incident and restitution required. School officials should understand what is and is not criminal conduct but must also use some judgment in deciding when to involve law enforcement officials. Of course, in cases of doubt, law enforcement officials should be contacted.

Where a decision is made not to involve law enforcement officials, school administrators may wish to inform the person against whom the offense was committed and perhaps his or her parent/guardian that the school does not plan to make any report to the police. However, the person or his or her parent/guardian may choose to do so.

Record keeping, analysis and response

A well-designed information management system helps educators recognize patterns of misconduct and enables them to focus their energies on selecting appropriate response strategies. The most useful information management system provides administrators with complete data and an overview of school disruption patterns. A properly developed system answers: (1) What happened? (2) What are the characteristics of the victim(s) and offender(s)? (3) Where did the incident occur? (4) How serious was the incident? (5) What was the response taken?

For years school officials have been keeping what amounts to "offender files." Commonly, school administrators maintain student records on index cards. The name of a student is written at the top of each card and teacher referral, offenses and disciplinary responses are recorded. Traditionally, offender files are kept in the school's central office, and the cards are updated with each new incident. This filing system effectively provides school administrators with a quick overview of an individual student's misconduct and helps determine an appropriate response to the latest offense.

Offender file systems are not very useful, however, to the administrator

seeking to evaluate patterns or trends of student misconduct. For this reason, schools and school districts more often are turning to computers to record and evaluate campus problems. Computer programs designed to run an information management system or *incident profiling system* have been written for computers ranging in size and sophistication from microcomputers to mainframes. Brief incident reports can be completed during the normal processing of students referred to the central office for a violation of laws or school rules. Once incidents are entered, a meaningful analysis of data can be accomplished quickly by simple manipulation of the computer keyboard.

An important advantage of this system is that frequent analysis of data can reveal minor, but potentially important, changes in the characteristics of violations of school rules and criminal codes. For example, a close analysis of racial or group affiliations of victims and offenders of certain crimes may reveal a systematic pattern of victimization. With this analysis, an alert administrator is able to anticipate future problems, plan intervention strategies and determine if the situation requires law enforcement involvement.

Developing a solution: Prevention and response strategies

When an information management system is in place, school administrators are in a better position to determine if there is a pattern of infractions directed against school property or persons and where in the school setting these infractions are occurring. This enables school staff to decide appropriate prevention and response strategies.

If the analysis of data indicates the dominant problem is crime against property, administrators should determine the specific issue and examine available data.

If the problem is burglary: (1) Should an alarm system by installed? (2) Is the existing system inadequate or in need of repair? (3) Are custodians and other staff properly securing the buildings and related school property? (4) Are community members using the building after school hours? (5) If the facilities are used by the community after school hours, is the security provided adequate for the entire facility? (6) Is there a need to increase law enforcement patrols or school security around and near the school? (7) Are teachers and other school personnel properly storing equipment at night? (8) Could the situation be improved by increasing or eliminating interior and exterior lighting?

If the problem is theft: (1) What key-control system is being used? (2) From what location is the property being taken? (3) Is the lost property likely to be more attractive to students, adults or both? (4) Does the theft

qualify as a felony under state and local law? (5) What is being stolen? (6) How is equipment marked or identified?

If the problem is vandalism: (1) What type of vandalism is occurring? (2) Are students acting cohesively to destroy school property? (3) If so, are they objecting to the administration, faculty, physical condition of the school, curriculum or other identifiable issues? (4) If the vandalism is graffiti, who does it identify and what message does it illustrate?

An analysis of campus problems may reveal a pattern of acts of theft, vandalism or violence that are directed against students, teachers, administration or other personnel. If this is the case, the school administrator should determine if there is a pattern of victimization. Is it possible to identify the victims as belonging to a student or ethnic subgroup? Is one subgroup victimizing another group on campus? The data analysis should reveal problem patterns.

For example, if the problem is weapon possession: (1) How are the weapons coming onto school property? (2) Do students have unlimited access to lockers? (3) Are students permitted to carry book bags or wear overcoats after arriving on campus? (4) Do students have unlimited access to private vehicles during the day? (5) Is the campus open or closed? (6) Where are the students obtaining the weapons that they bring on campus? (7) Is the campus located within walking distance of another school? (8) Is there a reasonable suspicion to perform regular locker searches? (9) Is there a reasonable suspicion to use hand-held metal detectors to screen spectators at athletic events? (10) Are groups of students possessing weapons? (11) If so, are they using youngsters with disabilities to bring and/or move their weapons on campus?

There are many good books that provide specific response strategies to school problems, and it is not the intent of this publication to duplicate them. Peter D. Blauvelt's *Effective Strategies for School Security*, published by the National Association of Secondary School Principals (NASSP) in Reston, Virginia, successfully addresses this topic. *Promoting Effective Discipline in School and Classroom*, also published by NASSP, is also recommended as a source of specific strategies to maintain school discipline.

Definitions of criminal terms[1]

Assault/attack/menace: *Assault* is defined as "an unlawful attempt, coupled with a present ability to commit a violent injury on the person of

another." *Attack* (battery) is the "willful and unlawful use of force or violence upon the person of another." *Menace* is an act performed in a threatening manner or done to show intention of harm.

Assault/attack with a deadly weapon: *Assaults* or *attacks with a deadly weapon* are defined as acts or attempted acts by one person on another with the intent to kill, maim or inflict severe bodily injury with the use of such items as firearms; knives or other cutting instruments; clubs; bricks; bicycle chains; nunchakus; bottles; explosives; acids; fire; and bodily parts, such as hands, fists and feet. (Note: Crimes involving hands, fists and feet should be included in this category if their use results in serious injury requiring medical care by a health practitioner.)

Extortion: *Extortion* is defined as "obtaining or attempting to obtain property from another person, with that person's consent, through the wrongful use of force or fear." Usually, extortion does not involve the element of immediate danger inherent in robbery.

Homicide: *Homicide* is the killing of a person by another person.

Possession of weapons: *Possession of weapons* includes the unauthorized presence or use of dangerous weapons, which include, but are not limited to, all kinds of guns, knives, bombs, explosives and fireworks.

Property crimes: *Property crimes* include arson, burglary, theft and vandalism. *Arson* is the malicious burning of or attempt to burn property belonging to another, regardless of the value of the property. *Burglary* is any unlawful entry to commit a felony or theft, even though force many not have been used to gain entry. This classification also includes attempted burglary. *Theft* (larceny) is the taking and carrying away of property belonging to another with intent to deprive the rightful owner of its use, regardless of the value of the property. This classification also includes attempted theft. *Vandalism* (to school or private property) is the intentional defacing or destroying of school property or another person's property.

Robbery: *Robbery* is defined as "the taking of property in possession of another, from his person or immediate presence against his will, accomplished by means of force or fear."

Sex offenses: *Sex offenses* include an act or attempted act initiated by a person against the chastity, common decency, morals and the like of another person and accompanied by threat, fear or danger. The offenses include misdemeanors (e.g., indecent exposure, obscene phone call) and felonies (e.g., rape, sodomy, child molestation).

Substance/chemical/alcohol abuse: *Substance/chemical/alcohol abuse* refers to possession, use or sale of any chemical, alcoholic or intoxicating substance.

Endnotes

1. These definitions are from California penal and education codes. For corresponding crime definitions in other states, consult school district legal advisors, the district attorney or state attorney general.

Chapter 4

Discipline policies and procedures

Today there is an increasing need to be specific in student discipline policies and procedures. Clarity in campus and classroom rules is needed to govern a school setting complicated by the practical concern that crime and violence have become major social problems in this nation's education system.[1] Schools are expected to operate in compliance with constitutional and statutory restrictions that are often complex and hard to delineate.

Student disciplinary policies, regulations and rules should be developed by a team composed of board members, school administrators, faculty and staff, parents and guardians, students, law enforcers, and other interested community members. As student discipline regulations are developed, 10 basic rules should be followed.

Rule one: Have student disciplinary rules

As surprising as it might seem, most school districts either have no student discipline policies and procedures or have not universally communicated them to students, faculty and staff.[2] Laws in most states require schools to prescribe rules governing the discipline of students.[3] In states that do not require schools to have behavioral regulations, it remains essential for schools to have such rules to assure students due process and other rights.[4] Thus, an initial rule is to have student disciplinary rules.

Rule two: Conform to applicable statutes

Schools are not autonomous. Rather, they are subject to a multitude of statutes, court decisions, rules and regulations. Typically, state statutes will, to some extent, regulate student disciplinary matters.[5] To a more limited ex-

tent, federal statutes also may have an effect on student disciplinary matters.[6] Being legally subordinate to these levels of government, schools must adopt student disciplinary rules that are in harmony with state and federal statutes and related rules and regulations.

Rule three: Conform to constitutional requirements

Student disciplinary rules must conform with constitutional requirements. Indeed, if a rule violates constitutional law, it is invalid, even if the rule is pursuant to a statute or specific grant of power. In the school setting, certain common and fundamental rights often are implicated. Stated in simplest form, the problem is to reconcile the liberty of the individual student with public, school or student welfare.

The first 10 amendments to the United States Constitution protect individual liberties against invasion by the federal government. The equal protection clause of the Fourteenth Amendment protects these liberties against state impairment, which includes the schools. The constitutions of most states to a large extent mimic federal law and protect individual liberties as a matter of state law. Thus, what is said about the federal constitution also typically applies to state constitutions. In some instances, however, state constitutions may afford additional protections. California's constitution, for example, guarantees students and staff the right to safe schools.[7] It is appropriate to review some of the specific constitutionally mandated rights relevant to school discipline regulations.

Due process: One of the fundamental constitutional precepts assured by the Fifth and Fourteenth Amendments is that no rule can deprive a person of liberty or property without due process of law. The United States Supreme Court and other courts consistently have refrained from defining "due process" with precision. Rather, these courts have followed the policy of determining each case, as presented, upon its own merits.

Substantively, due process prohibits regulations from being unreasonable, arbitrary or capricious. It also requires the use of means of enforcement that bear a real and substantial relationship to the object of a relevant rule. Accordingly, it would be unreasonable, and therefore a violation of due process, to suspend a group of students who wore "freedom buttons" to school[8] or to suspend a student indefinitely because of difficulties between the student and the student's parents or guardian.[9]

Procedurally, due process requires notice and an opportunity to be heard prior to depriving a person of a liberty or property interest. Student disciplinary rules most often will raise questions of procedural rights. For ex-

ample, in the landmark case of *Dixon v. Alabama State Bd. of Educ.*,[10] the Fifth Circuit Court of Appeals held students have a sufficient interest in remaining as students in good standing at a public institution of higher education to require notice and the opportunity for a hearing before they could be expelled for misconduct.

Similarly, in *Goss v. Lopez*,[11] the United States Supreme Court extended minimal due process protection to all students being suspended from a public elementary or secondary school for as few as 10 days. This due process, however, can be informal and may not need to be in writing. As the seriousness of the misconduct and the potential institutional response increase, more procedural formality will be required.[12]

Equal protection: Another common or fundamental right is equal protection of the law guaranteed by the Fourteenth Amendment. As with due process, each case is determined upon its own facts. The general rule is that equal protection of the law is denied when a rule is applied differently to different persons, without rational justification, under the same or similar circumstances. Constitutional equality requires impartiality between persons similarly situated. For example, schools may violate equal protection by imposing more stringent disciplinary sanctions to one racial group than are applied to another.[13]

Freedom of religion: A common and fundamental right raised by the First Amendment of the United States Constitution is that of freedom of religion. Under its umbrella, no rule may be adopted respecting the establishment of religion or prohibiting the free exercise thereof. Under this restriction, for example, a school may not require a student to participate in voluntary prayer[14] or pose in a flag salute.[15] On the other hand, there appears to be no prohibition against merely allowing a moment for meditation.[16]

Freedom of speech and press: The First Amendment also protects freedom of speech and of the press. In the significant case of *Tinker v. Des Moines Indep. School Dist.*,[17] the United States Supreme Court found, under the First Amendment, that a school regulation prohibiting the wearing of armbands to protest the Vietnam War was invalid. Similarly, except in the context of school-sponsored publications, activities or curricular matters, restraints on student newspapers and publications generally are prohibited.[18] Extracurricular freedom of speech and of the press may be restricted only when their exercise materially and substantially would disrupt the work and discipline of the school, or where the facts might reasonably lead school authorities to foresee such disruption.[19]

Assembly: Another First Amendment right permits individuals to freely

associate in order to further their personal beliefs. While rules affecting this right must be reasonable, courts have been inclined to uphold such rules as forbidding membership by students in fraternities, sororities and other secret societies.[20] A school may even require a signed statement to this effect prior to allowing a student to participate in extracurricular activities.[21] Rights of association must be subordinated to the orderly conduct of classes and other curricular affairs on campus.

Search and seizure: The Fourth Amendment prohibits unreasonable searches and seizures. In *New Jersey v. T.L.O.*,[22] the United States Supreme Court held this protection applies to searches conducted by public school officials. However, while students have a legitimate expectation of privacy, a search will be considered valid even if probable cause does not exist, if there was a reasonable suspicion at its inception that the search will discover evidence of a violation of a school rule or the law and the search was conducted reasonably.[23] Even so, highly intrusive invasions of privacy, such as strip searches, are viewed quite unfavorably by the courts.[24] Schools are best advised to adopt carefully drawn regulations defining when, where, by whom, and under what circumstances searches of students may be conducted. Such rules go far in determining what will be reasonable conduct and stand the best chance of reconciling the student's legitimate privacy interests with orderly school management in the campus environment.[25]

Self-incrimination: The Fifth Amendment grants the right against self-incrimination. It has generally, although not uniformly, been held that students may be required to testify in student disciplinary proceedings because this right applies only to criminal cases.[26]

Rule four: Rules must be reasonable

Student disciplinary rules must be reasonable and not oppressive. Reasonableness requires that a rule accomplish the purposes for which it was adopted and for which the school exists. If there is no reasonable connection between the purpose of the rule and the end to be accomplished, it is unenforceable.

The reasonableness issue often has been raised with regard to student attire. A school has authority to establish a dress code if it bears a reasonable relationship to the safety, order or discipline of the school. Thus, a rule regulating dress on the basis of modesty would be considered valid,[27] but a ban of blue jeans would be viewed as invalid.[28] Where designed to curtail gangs and gang activities, a rule is permissible that prohibited students from wearing, possessing, using, distributing, displaying or selling any clothing,

jewelry, emblem, badge, symbol, sign or other things that evidence membership or affiliation in any gang.[29]

Because reasonableness is a matter of judgment, courts vary in their opinions. For example, the United States Courts of Appeal for the Fifth, Sixth, Ninth, Tenth and Eleventh Circuits generally have supported the validity of rules regarding hairstyles and grooming, while the First, Third, Fourth, Seventh, and Eighth Circuits generally have found such rules unconstitutional.[30] The United States Supreme court has yet to share its view of reasonableness.

Rule five: Rules should be clear

A student disciplinary rule that is vague to the extent its precise meaning cannot be ascertained is invalid, even if it is otherwise constitutional. The basis for this rule is that due process imposes a necessity for notice to those affected by the operation and effect of a rule. Thus, for example, while a school may adopt rules regarding campus speakers and other usages of campus facilities,[31] they may not be so vague that persons of common intelligence must out of necessity guess at their meaning and differ as to their application.[32] Significantly, however, the Supreme Court has recognized that:

> "Given the school's need to be able to impose disciplinary sanctions for a wide range of unanticipated conduct disruptive of the educational process the school disciplinary rules need not be as detailed as a criminal code which imposes criminal sanctions."[33]

Rule six: Adopt rules in good faith

A student disciplinary rule must not be a guise to do what a school cannot legally do or designed to serve some ulterior motive. The adoption of a rule in bad faith is, in effect, an abuse of public power. For example, a student having a right to attend school may not be suspended as a means of collecting textbook rental fees due from the student's parent or guardian[34] or in retaliation to a parent or guardian who assaulted a school official.[35]

Rule seven: Rules must achieve school functions

Student disciplinary rules must serve a public purpose and enable the school to perform its function. A rule may not be adopted for private purposes unrelated to the school's proper functions. For example, while a school likely would have the authority to prevent students from patronizing a particular business or merchant during school hours or, perhaps, while on the way to or from school,[36] it may not do so merely to destroy a business which com-

petes with the school or one of its board members.[37]

Rule eight: Rules should be in appropriate form

While a school is generally not required to adopt rules in a particular form, such as a comprehensive code of student disciplinary policies and procedures, it is advisable. Certainly, the law is concerned with substance; however, clearly expressed regulations are a helpful protection to school officials if the validity of a rule is brought into question.

Rule nine: Duly approved student disciplinary rules

School district governing bodies typically are directed or empowered to adopt student disciplinary rules. That power usually cannot be delegated to school superintendents, principals or faculty unless authorized by statute or the local governing board itself. When the authority is exercised, it must be at duly constituted board meetings held in accordance with the requirements of law. Student discipline rules must, accordingly, be approved in the manner required by law.

Rule ten: Disseminate student disciplinary rules

A final rule is that schools should disseminate the student disciplinary regulations adopted by the district's governing board. As a matter of due process and common sense, letting students, parents and guardians know what is expected is essential to the proper implementation and enforcement of a school's behavioral guidelines. Some schools require students, parents and guardians to acknowledge in writing they have received a copy of the student handbook. Others not only provide copies of the student handbook, but also provide instruction regarding the regulations.[38] Some schools actually require students to make a minimum score on a test on the handbook after receiving instruction pertaining to its contents.

School officials may at times forget the importance of developing and reviewing student behavioral guidelines. On the other hand, the proper development and review of disciplinary policies and procedures must become a priority as this is a significant step toward making this nation's schools safe, secure and peaceful.

Endnotes

1. *See New Jersey v. T.L.O.*, 469 U.S. 325 (1985).

2. K. Sawyer, "The Right to Safe Schools: A Newly Recognized Inalienable Right," 14 *Pac. L.J.* 1309, 1325 (1983).
3. *See, e.g.*, Cal. Educ. Code § 35291.
4. *See* J. Rapp, *Education Law* § 9.01[4].
5. For example, many states regulate the use of corporal punishment. *See Ingraham v. Wright*, 430 U.S. 651 (1977) (upholding the use of corporal punishment).
6. The Family Education Rights and Privacy Act of 1974 (10 U.S.C. § 1232(g)), for example, protects the privacy of students and may prevent group disciplinary hearings where personally identifiable information will be disclosed during the course of the hearing. *See generally* J. Rapp, *Education Law* § 13.04.
7. Cal. Const. art. I, § 28(c).
8. *Burnside v. Byars*, 363 F.2d 744 (5th Cir. 1966).
9. *Cook v. Edwards*, 341 F. Supp. 307 (D.N.H. 1972). *See also Petrey v. Flaugher*, 505 F. Supp. 1087 (E.D. Ky. 1981).
10. 294 F.2d 150 (5th Cir.), *cert. denied*, 368 U.S. 930 (1961).
11. 419 U.S. 565 (1975).
12. *See generally* J. Rapp, *Education Law* § 9.05.
13. *Hawkins v. Coleman*, 376 F. Supp. 1330 (N.D.Tex. 1974). *See also* L. Rossow, "Administrative Discretion and Student Suspension: A Lion In Waiting," 13 *J. of L. & Educ.* 417 (1984).
14. *See Wallace v. Jaffree*, 472 U.S. 38 (1985).
15. *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943).
16. *Wallace v. Jaffree*, 472 U.S. 38 (1985). This case distinguished Ala. Code § 16-1-20 (Supp. 1984) which authorized a one-minute period of silence "for meditation" and Ala. Code § 16-1-20.1 (Supp. 1984) which authorized a period of silence "for meditation **or voluntary prayer**." The latter was found to be unconstitutional. The appellees abandoned their claim that the former was unconstitutional.
17. 393 U.S. 503 (1969).
18. *See* J. Rapp, *Education Law* § 9.02[5].
19. *See, e.g., Bethel School Dist. No. 403 v. Fraser*, 478 U.S. 675 (1986).
20. *See, e.g., Burkitt v. School Dist.*, 195 Or. 471, 246 P.2d 566 (1952).
21. *See, e.g., Passel v. Ft. Worth Indep. School Dist.*, 429 S.W.2d 917 (Tex. Civ. App. 1968).
22. 469 U.S. 325 (1985).
23. The Court established a two-prong test: The test must be reasonable both in its inception and in its scope. For more information on how to apply this test, *see Student Searches and the Law*, Resource Paper of the National School Safety Center.
24. *See, e.g., Bellnier v. Lund*, 438 F. Supp. 47 (N.D.N.Y. 1977).
25. *D.R.C. v. State*, 646 P.2d 252 (Alaska Ct. App. 1982).
26. J. Rapp, *Education Law* § 9.05[3][f].
27. *Wallance v. Ford*, 346 F. Supp. 156 (E.D. Ark. 1972) (ban of excessively tight skirts or skirts more than six inches above the knee).
28. *Bannister v. Paradis*, 316 F. Supp. 185 (D.N.H. 1970).
29. *Olesen v. Board of Educ.*, 676 F. Supp. 820, 44 *Educ. L. R.* 205 (N.D. Ill. 1987).
30. J. Rapp, *Education Law* § 9.02[8][b].
31. *See generally* J. Rapp, *Education Law* § 9.02[6].
32. *See, e.g., Dickson v. Sitterson*, 280 F. Supp. 486 (M.D.N.C.), *aff'd*, 415 F.2d 228 (5th Cir. 1969).

33. *Bethel*, 478 U.S. at 686.
34. *Carder v. Michigan City School Corp.*, 552 F. Supp. 869, 8 *Educ. L.R.* 318 (N.D. Ind. 1982).
35. *St. Ann v. Palisi*, 495 F.2d 423 (5th Cir. 1974).
36. J. Rapp, *Education Law* § 9.03[10].
37. *Hailey v. Brooks*, 191 S.W. 781 (Tex. Civ. App. 1916).
38. *Smith v. Little Rock School Dist.*, 582 F. Supp. 159, 17 *Educ. L.R.* 161 (E.D. Ark. 1984) (handbook taught to students in English classes for the first two weeks of each school year).

Chapter 5

Model codes of conduct

It is not the intent of this chapter to present all the various examples of student codes of conduct. An attempt has been made, however, to present the most frequently mentioned regulations included in student handbooks obtained from a survey of 713 secondary schools in 48 states. Also included are additional student regulations pertaining to student behaviors related directly or indirectly to acts against persons or property. These student codes are presented in a format similar to that of a student handbook.

Legal authority to discipline students

The legal authority for school discipline, usually designated by state law, rests with the governing board. In most states the board is directed to adopt standards of conduct that must be met by all students as a condition for attending the public school district. The regulations are to take into account the necessity of proper conduct on the part of all students to ensure the opportunity for scholastic progress for the greatest number of students. The discipline code established by the board may stipulate sanctions for youngsters who fail to observe the required standards. Penalties increase according to the severity or frequency of the student's offense. The ultimate sanctions are suspension or expulsion.

Introduction to discipline policy

The primary purpose of a school is to insure youngsters develop to their full potential academically, socially and physically. This development can best take place in an environment that protects student rights. Student responsibility is required to provide the orderly framework within which individual

goals can be realized. Accordingly, the school is charged with the task of educating all school-age members of the community. Thus, it follows that students are not free to wander about the school's facilities at will, disrupt the educational process or interfere with the rights of others.

To deal effectively with school discipline, it is advised that the superintendent will appoint a discipline review advisory committee that includes teachers, students, principals, administrative staff, school peace officers or local law enforcement officials, and parents and guardians. This committee will meet at least annually to recommend changes in general policy and guidelines for the school district. In doing so, the committee should consider a variety of reports, including suspension, expulsion, court notifications, probation orders, school crime report, insurance claims for injured individuals, and work orders to repair vandalism. Suggestions from the committee will be forwarded to the superintendent of schools for review. After reviewing the suggestions, the superintendent will consider these ideas as possible recommendations to present to the school board.

Each school's administrative staff and faculty will establish and implement rules necessary for governing the conduct of students within the policy and general guidelines provided by the school board. Each school's rules will be approved by the school board and will be on file in the superintendent's office. In addition, student handbooks published by individual schools will be formally adopted by the board of education. Examples of issues included in these handbooks are cited below.

General standards of conduct

A. Health and safety

1. Running, shoving and other forms of rowdiness often cause accidents and are prohibited. Students are to walk in the corridors and on the stairways at all times.
2. To improve corridor traffic students are to keep right, especially at corners, keep entrances and exits clear, take authorized routes to all classes.
3. Fire drills are required to ensure emergency readiness. Students are to remain quiet during drills.
4. Food and drink shall be consumed only in designated areas, and students are to leave tables and the surrounding area clean.

B. Difference of opinion

1. Physical attacks or verbal threats against faculty or staff members or

fellow students are unacceptable. Such behavior will result in suspension, expulsion or other disciplinary action.
2. Use of profanity is not acceptable. Such behavior will result in disciplinary action.

C. Classroom and study hall conduct
1. It is a student's responsibility to study the bell schedule, be inside the assigned classroom before the tardy bell rings and refrain from talking after the bell rings.
2. Only one person at a time may be out of a class or study hall. That person should have a hall pass issued by his or her teacher.
3. Students must come to class and study hall prepared for the period's activities. In other words, they must bring textbooks, writing instruments, paper, notebooks and other educational materials needed for class.

D. Care and use of public property
1. Students are responsible for taking care of textbooks, library books and personal belongings.
2. Students and parents or guardians may be held financially responsible for damage to lockers, desks, equipment, walls and other school property. Students responsible for damage may be subject to disciplinary action.
3. Students are to remain on sidewalks when entering and leaving all school facilities.
4. To keep the building and grounds clean and attractive, food and drinks shall be consumed only in designated areas during authorized eating breaks.

E. General
1. No student will be permitted to leave school without written permission from home and/or permission from the principal or his/her designee.
2. No student shall be in the principal's office or outer office at any time except on official business.
3. No student will be permitted in the corridors during classes without proper permission.
4. No one will be permitted to chew gum or eat candy inside school facilities except in designated areas during breaks.

Assault, battery or harassment of school personnel

Students are prohibited from assaulting, battering or harassing any school employee. These behaviors may be defined as:

1. Intentionally, knowingly or recklessly causing bodily injury to another;
2. Intentionally or knowingly threatening another with imminent bodily injury; or
3. Intentionally or knowingly causing physical contact with another when the student knows or should reasonably believe that the other will regard the contact as offensive or provocative.

Bullying

No student may intentionally hurt another student, either physically or psychologically. Every student has the right not to be hurt and the right to learn in a safe environment. Students are responsible for respecting the rights of their classmates and themselves. Educators are responsible for supervision and observant monitoring of the schoolyard.

Care of school property

The education of youngsters represents a large investment of money provided by the nation's citizens. Every time someone mishandles a book, carves on a desk, writes on a wall, breaks a window, destroys equipment or damages materials, some of this investment is wasted. Any student responsible for these actions will be held responsible for repair or replacement. Any student deliberately damaging school property shall have the necessary repairs made or be assessed a sum sufficient to pay for the damages and also will be subject to disciplinary action.

Fighting

Severe, immediate disciplinary action will be taken against individuals who participate in a fight or encourage it in any way. Absolutely no disruptive behavior of this kind will be allowed because it infringes and reflects upon the educational process.

Suspension from school is the penalty for this unacceptable behavior, which may, by state statute, range from one to 10 days for the first and second offenses. If a student is involved in a third fight, a referral will be made to the superintendent of schools with the recommendation that the punishment be at least a 10-day suspension from school along with the possibility of expulsion. A student who has made an effort to avoid a fight by bringing

the situation to the attention of a teacher, counselor, assistant principal, principal or some other school official will be given more consideration regarding any punishment that might be received. A conference between the student, parent or guardian and principal should be held prior to a student's readmittance to school. Any student suspended or expelled from school will receive an unexcused absence for the suspension time.

Gambling

Gambling in any form is prohibited on school grounds or at any school-related activity. Gambling is defined as risking something of value in the hopes of winning something of value and includes such things as dice, cards, pitching coins, betting and so forth.

Gang attire and activity

Gang attire and activity are strictly prohibited. A "gang" is herein defined as any group that participates in illegal and/or violent activities.

Gang attire and activity include the use of hand signals and the presence of any apparel, jewelry, accessory, book, or manner of grooming which, by virtue of its color, arrangement, trademark, symbol, or any other attribute denotes membership in such a group.

The principal of the school or the principal's designee shall make the determination if the student's attire constitutes a threat to safety, campus order, or is unduly distracting and therefore disruptive to the educational process.

When a student's attire is found to be in violation of this policy, the student may be required to modify his/her attire in such a manner that it no longer violates this policy. If necessary, the student may be taken or sent home to modify unacceptable attire. Refusal to take steps as directed to comply with this policy shall be cause for disciplinary action against the student.

Guidance services

Guidance services are available for every youngster in the school. These services include assistance with educational planning, interpretation of test scores, occupational and career information, study helps, assistance with home, school or social concerns, or any other matter a student would like to discuss.

Each student is assigned a counselor who meets with the student, as needed, throughout the student's attendance. All students are scheduled for

at least one conference each year with their counselor. In addition, students are encouraged to consult with their counselor or another member of the counseling staff whenever they need assistance.

Parents or guardians are invited to consult with a counselor concerning their youngster. Conferences with the student's parent or guardian, teachers and counselor often are helpful in sharing information and planning and formulating goals. Services offered by the guidance department include:

1. Information pertaining to careers;
2. Information concerning college, universities and vocational schools;
3. Individual and group counseling about problems with teachers, fellow students, schedules and other concerns;
4. Counseling pertaining to home difficulties;
5. Developing ways to build self-confidence;
6. Information concerning grades, transcripts and report cards;
7. Information pertaining to various types of tests; and
8. Information concerning what scholarships are available and how to obtain them.

All counselors will be available to work with graduates and dropouts. However, currently enrolled students will have priority.

Narcotics, alcoholic beverages and stimulant drugs

A student shall not possess, use, transmit or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverages, intoxicants of any kind, look-alike drugs or substances that may have the appearance of an illegal substance, such as catnip, oregano, flour, saccharin or other items: (a) on the school grounds, during and immediately before or immediately after school hours, (b) on the school grounds at any time when the school is being used by any school group, or (c) off the school grounds at a school activity, function or event.

Use of drugs or medications authorized by a valid medical prescription from a registered physician shall not be considered a violation of this regulation when the drug or medication is taken by the person for whom the drug is prescribed.

Search and seizure

Students possess the right of privacy as well as freedom from unreasonable search and seizure of property. This individual right is balanced by the school's responsibility to protect the health, safety and welfare of all per-

sons within the school community. Although school authorities will respect the rights of students, their lockers and property, it should be made clear that lockers are the property of the school. Accordingly, school officials reserve the right to search lockers or desks whenever there are reasonable grounds or suspicions for such.

A general search of lockers or desks may be conducted to repossess school property. Whenever possible the administration will advise students in advance of the search. A search in the absence of student notification may be made in cases where suspected items pose a clear and present danger to the health and safety of people within the school community.

Items which may be used to disrupt or interfere with the educational process may be removed from a student's possession.

Search and seizure by law enforcement officials[2] may be made on presentation of a search warrant describing the items to be seized or with the valid consent of the student's parent or guardian who has been advised of his or her rights and of the legal consequences of the search. When the student is of legal age, valid consent shall be defined as consent given by the student.

Students shall not use their lockers or property:

1. For illegal purposes or for storing illegal materials;
2. In such a way as to interfere with school discipline or the normal operation of the school, including the storage of overdue library books or the unauthorized possession of other school property; or
3. In a manner which endangers the health and safety of others.

Students rights and responsibilities

Students have the basic constitutional rights guaranteed to all United States citizens. In exercising these rights, students have a responsibility to respect the fundamental rights of others. One purpose of school is to encourage the responsible use of these rights and to develop good citizenship within the framework of an educational society.

The school is a community, and the rules of a school are the laws of that community. To enjoy the right of citizenship in the school you must also display the responsibilities that pertain to citizenship. On the following page are examples of rights, along with accompanying responsibilities, that are guaranteed youngsters in a school setting:

Right	Responsibility
Obtain an education at public expense and participate in the school program. (this right extends to disabled, married or pregnant students.)	Attend all classes and be on time. Pursue courses of study prescribed by state and local authorities and carefully select electives based upon interest and need.
Expect schools to be a safe place for all students to have the opportunity to acquire an education.	Assist and cooperate with the school faculty, staff and administrators who are responsible for providing a safe school.
Assist in making school rules and other decisions affecting the student's life in school.	Be aware of all rules and regulations for student behavior and act in accordance with them.
Be represented by an active student government selected by school elections.	Take an active part in student government by running for office or voting for the best candidates; make student problems known through the student council.
Express opinions orally or in writing.	Express opinions in a respectful manner and in ways that will not offend or slander others.
Receive a fair hearing with the opportunity to call witnesses and appeal the decision in the event of serious disciplinary action.	Be willing to volunteer information and cooperate with school administration and faculty in disciplinary cases.
File a grievance with the appropriate school official when accused of misconduct.	File the grievance at the proper level. First, seek a remedy with the school official directly involved. Then, if it is necessary, take the problem to the district level. If there is still no resolution, court action may be required.

Right *(Continued)*	**Responsibility** *(Continued)*
Expect the student's name to remain confidential to the extent legally possible.	Exhibit responsible behavior in ensuring the orderly operation of the school.
Attend and participate in school meetings, assemblies and other co-curricular activities conducted for business or entertainment.	Be on time, participate and show consideration for performers, and re main until the event is finished.
Use school equipment, books and materials.	Take care of them and return them upon request.
Attend classes in which teachers are providing proper learning environments, materials and instruction and in which grades are fairly assigned.	Attend school at least until the age established by law.
Receive the benefits of education programs without restrictions based on race, color or national origin.	Take discrimination grievances to officials according to the grievance procedure.
Observe personal religion without the school requiring, establishing or conducting religious exercises.	Respect the religious beliefs and observances of others.
Benefit from any educational program without restriction based on sex discrimination.	Take any discrimination grievance to the appropriate person, according to the school's grievance procedure.

Visitors

Visitors to school facilities or classrooms are welcome and encouraged. However, for the protection of all persons, a visitor's pass must be obtained from a school administrator who may request to see proper identification. Any visitor without this pass must report immediately to the principal's office.

Parents and guardians wishing to meet with a teacher or school administrator are requested to call the school office to arrange for an appointment.

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Students wishing to bring a visitor to school are to make arrangements with the school administration and each of their teachers at least one day prior to the visitation. All authorized visitors will be asked to sign a guest book along with the assigning of a visitor's pass.

Weapons and dangerous instruments

No student knowingly shall possess, handle or transmit any knife, razor, ice pick, explosive, loaded cane, sword cane, machete, pistol, rifle, shotgun, pellet gun, metal knuckles or other object that reasonably can be considered a weapon or dangerous instrument in: (a) any school building, (b) on any school premises, (c) on any school bus, or (d) off the school grounds at any school related activity, event or function. This includes any look-alike object that may have the appearance of a weapon or dangerous instrument.

Endnotes

1. For more detailed strategies, *see* Stuart Greenbaum, *Set Straight on Bullies*, Pepperdine University Press, 1989, pp. 49-70.
2. There is a split of authority on whether a law enforcement officer needs probable cause or reasonable suspicion while conducting a search on a school campus. The increasing development of school police departments also raises the question of the standard necessary to conduct a search. Many jurisdictions only require reasonable suspicion. *See In re Alexander B*, 220 Cal.App.3d 1572, 270 Cal.Rptr. 342, 60 Ed.Law Rep. 855 (Cal. App. 2 Dist., 1990) in which the Second Appellate District of the California Court of Appeal relied upon *New Jersey v. T.L.O.*, 469 U.S. 325 (1985) and upheld a search based on reasonable suspicion by an officer within the Los Angeles Unified School District Police Department.

Chapter 6

Special education students discipline

The educational opportunities of children with disabilities have been greatly enhanced since the early 1970s.[1] At that time, several cases held that disabled children could not be excluded from public schools and must be provided a suitable education.[2] As the constitutional debate over the educational rights of disabled children began to develop, Congress enacted specific statutes to assure those rights to children with disabilities. Of these, Section 504 of the Rehabilitation Act of 1973[3], the Education for All Handicapped Children Act of 1975 (P.L. 94-142)[4], and the Individuals With Disabilities Education Act of 1990 (P.L. 101-476)[5], are most significant. They affect the disciplining of disabled or special education students.

Right to free, appropriate public education

Section 504 provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.[6] P.L. 94-142 specifically implements this right by requiring states receiving federal funds to establish a plan ensuring all disabled children have available to them a free, appropriate public education which includes special services to meet their educational needs and related services to meet other educational needs.[7]

P.L. 94-142 accomplishes its worthy purposes by requiring children with disabilities be identified, located, evaluated and, ultimately, placed in an appropriate educational program. Essential to the process is the development of an individualized education program, an "IEP," for each disabled child

prior to placement. A child's placement essentially implements the IEP. Although placements may range from regular classes to residential institutions, P.L. 94-142 requires children be placed in the least restrictive environment, or "mainstreamed," to the extent possible. Throughout the process, parents/guardians and children are entitled to participate and are afforded extensive procedural and due process safeguards.[8]

Suspension and expulsion as sanctions

Once a disabled child is placed, that placement may not be changed unless the youngster's parent/guardian and school agree or P.L. 94-142 procedures are followed.[9] In situations when a school has attempted to discipline a student with a disability by suspension, alternative placement or expulsion, parents/guardians have argued successfully that the removal from the current educational placement constitutes a change in placement and may not be imposed without affording the procedural safeguards required for a change in placement by P.L. 94-142. These procedures are more elaborate and time consuming than those generally required when disciplining non-disabled students.[10] Accordingly, except for brief periods of exclusion, the suspension or expulsion of a disabled student has been held to be a change in placement requiring compliance with the procedural safeguards afforded by P.L. 94-142.

Where the misconduct of a disabled student is related to the student's disability, the proper action is to develop a more appropriate and restrictive placement following the procedural requirements of P.L. 94-142. A leading case in this area is *Honig v. Doe*,[11] in which the Supreme Court rejected a contention that an exception to the procedural requirements exists where a student is violent and disruptive as a result of the student's disabling condition.

Where misconduct is not a manifestation of a child's disability, the student may be expelled or suspended for the misconduct.[12] However, the determination of whether the disability is the cause of a child's misconduct must be made by an IEP team according to the appropriate procedures.[13] There is disagreement regarding whether a properly suspended or expelled student must continue to be provided educational services.[14] The safest approach is to continue services even though the child has been suspended or expelled.

School officials do retain some expeditious options to deal with students with disabilities. According to the Supreme Court in *Honig*, a school may use its normal procedures for dealing with children who are endangering

themselves or others, mentioning such examples as the use of study carrels, time-outs, detention, or the restriction of privileges. In more drastic cases, such as where a student poses an immediate threat to the safety of others, schools may temporarily suspend the student for up to 10 school days, but not for a longer period.[15]

Anticipating misconduct by disabled children

In view of the safeguards afforded by P.L. 94-142, it is important a school anticipate the possibility of misconduct when developing a child's IEP. Behavioral or social adjustment problems, if any, must be identified and documented. The IEP then should include discipline and management strategies and placement be made accordingly.[16] If the IEP includes the possibility of disciplinary action, such as suspension, the disabled student's placement would not then be changed but rather implemented by discipline.

Enforcement strategies

Educators are responsible for the consistent enforcement of school regulations and student discipline, and this responsibility includes sanctions for students enrolled in special education programs. In responding to the misconduct of special education students, educators should consider the following: (1) It is important to be sensitive to the rights of children with disabilities under P.L. 94-142 and be aware of the disciplinary limitations imposed by this law and state and local regulations. (2) Whenever possible, student misconduct should be anticipated and documented, and appropriate response strategies should be included when preparing the IEP. (3) Educators must not feel they are unable to enforce school regulations simply because the student challenging the rules is enrolled in the special education program. No student should disrupt the educational process. Action also is required when the disabled child represents an immediate physical danger to himself or others. (4) Because legislation and procedures regulating the treatment of disabled students are subject to change, school administrators are advised to keep informed about recent legislative changes and current policies in their districts.

Endnotes

1. *See generally* J. Rapp, *Education Law* § 10.03.
2. *See, e.g., Pennsylvania Ass'n for Retarded Children v. Commonwealth*, 334 F. Supp. 1257

(E.D. Pa. 1975).

3. 29 U.S.C. §§ 701 *et seq.*
4. 20 U.S.C. §§ 1400 *et seq.*
5. 20 U.S.C. §§ 1400 *et seq.* The IDEA (P.L. 101-476) is not materially different from EAHCA (P.L. 94-142).
6. 29 U.S.C. § 794.
7. 20 U.S.C. § 1400(c).
8. A discussion of these safeguards is beyond the scope of this book. EAHCA and state statutes should be consulted. *See generally* J. Rapp, *Education Law* § 10.03[4].
9. 20 U.S.C. § 1415(e)(3). It is very important for schools to develop good relationships with parents as many procedural problems which arise when disciplining disabled students can be avoided by reaching agreements.
10. *See* Chapter 5, *supra*.
11. 484 U.S. 686 (1988).
12. *S-1 v. Turlington*, 635 F.2d 342 (5th Cir.), *cert. denied*, 454 U.S. 1030 (1981); *Doe ex rel. Gonzales v. Maher*, 793 F.2d 1470, 33 *Educ. L. R.* 124 (9th Cir. 1986), *aff'd on different grounds sub nom. Honig v. Doe*, 484 U.S. 686 (1988).
13. *Doe v. Koger*, 480 F. Supp. 225 (N.D. Ind. 1979).
14. In *Doe ex rel. Gonzales v. Maher*, 793 F.2d 1470, 33 *Educ. L. R.* 124 (9th Cir. 1986), *aff'd on different grounds sub nom. Honig v. Doe*, 484 U.S. 686 (1988), for example, it was stated that "when a handicapped child is properly expelled, the school district may cease providing all educational services — just as it could in any other case." The Department of Education has stated that it would not follow this dicta (a judge's opinion which is not binding in subsequent cases) and requires that educational services continue regardless of whether the misconduct is or is not a manifestation of the handicap. *See* 13 Educ. Hand. L. Rptr. 213, 258-259 (1990).
15. Check with your school district's legal counsel for the length of time permitted for temporary suspension of students with disabilities. Some state statutes limit this time to less than 10 days.
16. Some schools, realizing that discipline is important for all children, include language allowing customary disciplinary actions in virtually every IEP. Where children are being placed specifically for behavioral disorders, greater specificity is obviously warranted.

Chapter 7

Resources

Written policies and handbooks

Cleveland Heights High School. *Student Handbook*. Cleveland, OH, 1989.

Dekalb County School System. *Procedures for Due Process Related to Student Discipline, Offenses, and Student Organization*. Division of Program Development and Staff Assessment, 1988.

Idaho Department of Education. *Rights and Responsibilities, A Handbook for Parents*, 1983.

Moreno Valley High School. *Viking Handbook*. Sunnymead, CA, 1985.

Office of the Los Angeles County Superintendent of Schools. *Constructive Discipline: Building a Climate for Discipline*. Los Angeles, CA, 1983.

Shadow Mountain High School. *Student Parent Handbook*. Phoenix, AZ, 1990.

U.S. Department of Justice and Education. *Reducing School Crime and Student Misbehavior: A Problem Solving Strategy*, 1985.

Winters Communications, Inc. *Practical Discipline, A Guide for Parents*. Tampa, FL, 1989.

Books

Blauvelt, Peter D. *Effective Strategies for School Security*. Reston, VA: National Association for Secondary School Principals, 1981.

Curwin, Richard L., and Allen N. Mendler. *Am I in Trouble?* Santa Cruz, CA: Network Publications, 1990.

Englander, Meryl E. *Strategies for Classroom Discipline*. New York: Praeger Publishers, 1986.

Goldstein, Arnold P., Steven J. Aptep, and Berj Harootunian. *School Violence*. Englewood Cliffs, NJ: Prentice-Hall, Inc., 1984.

Grossnickle, Donald R., and Frank P. Sesko. *Promoting Effective Discipline in School and Classroom. A Practitioner's Perspective*. Reston, VA: National Association of Secondary School Principals, 1985.

Grossnickle, Donald R., and Ronald D. Stephens. *Developing Personal and Social Responsibility*. Malibu, CA: National School Safety Center, 1992.

National School Safety Center. *Child Safety Curriculum Standards*. Malibu, CA: Pepperdine University, 1991.

_____. *Gangs in Schools: Breaking Up is Hard to Do*. Malibu, CA: Pepperdine University, 1988.

_____. *School Crime and Violence: Victims' Rights*. Revised Edition. Malibu, CA: Pepperdine University, 1992.

_____. *School Safety Check Book*. Malibu, CA: Pepperdine University, 1990.

_____. *Set Straight on Bullies*. Malibu, CA: Pepperdine University, 1989.

_____. *Student Searches and the Law*. NSSC Resource Paper. Malibu, CA: Pepperdine University, 1989.

Office of Research, Office of Educational Research and Improvement, U.S.Department of Education. *Strategies to Reduce Student Misbehavior*, 1989.

Woods, Michele E. *Which Way to Improvement, A Catalogue of Programs for Discipline, Drugs, Achievement, and Attendance*. Research for Better Schools, 1985.

Films, filmstrips and videos

Howard, Eugene. "Improving School Climate" (filmstrip and audio cassette). Association of Supervision and Curriculum Development, 225 North Washington Street, Alexandria, VA 22314.

Johnson, Bruce D. "Dealing with Social Problems in the Classroom." Dubuque, IA: Kendall/Hunt Publishing Company, 1982. A companion text for the teacher/administrator television course, "Dealing with Social Problems in the Classroom." Program videos include:

- Social Problems and Classroom Guidance
- Helping Children with Television
- Flight from Home
- Sweet 16 and Pregnant
- Comfort in the Classroom
- Reading: Still a Basic, Still a Problem
- Teaching Writing: The Process
- Welcome to the Future: Computers in the Classroom
- Five Steps to Conflict Resolution
- Three Dimensional Discipline
- Assertive Discipline in Action
- Success: The Marva Collins Approach

Videos available from:

Films Incorporated
Educational Media Division
1213 Wilmette Avenue
Wilmette, IL 60091

The following videos (VHS) are available from the National School Safety Center, Pepperdine University, Malibu, CA 90263:

"What's Wrong With This Picture?" (1986).
"Set Straight on Bullies" (1988).
"High Risk Youth/At the Crossroads" (1989).
"School Crisis: Under Control" (1991).

Nighswander, James K. "Planning for Better School Discipline" (filmstrip and audio cassette). Association of Supervision and Curriculum Development, 225 North Washington Street, Alexandria, VA 22314.

NSSC's *School Safety* newsjournal articles

"A lesson plan for effective student discipline." Johnny R. Purvis and Rex L. Leonard. Fall 1985.

"AFT commission stresses school safety, discipline." Albert Shanker. Fall 1985.

"Community service as alternative discipline." Jackson Toby and Adam Scrupski. Winter 1991.

"Courting school discipline policies." Henry S. Lufler, Jr. Winter 1991.

"Cultivating the value of self-discipline." Mary Hatwood Futrell. Fall 1985.

"Discipline at school extends to the home." Ann Kahn. Fall 1985.

"Discipline based on incentives." Legal Update, Winter 1991.

"Discipline code improves climate." Dennis Chamberlain and Roger Sauer. Fall 1985.

"Discipline project tests group participation." Nancy Ames and Bill Jennings. Fall 1987.

"Home/school partnerships enhance students discipline." Oliver C. Moles.

Spring 1990.

"Pilot projects test intervention techniques." Fall 1984.

"School justice system reduces rule breaking." Henry Lufler, Jr. Fall 1985.

"Student misconduct and intervention." Oliver C. Moles. Winter 1991.

"Students watch out for their own." Robert Maher. Fall 1987.

"Tennessee advocates school discipline reform." Legislative Update. Fall 1984.

Additional resources available from the National School Safety Center

Periodicals:
School Safety Newsjournal
School Safety Update

Publications:
Child Safety Curriculum Standards
Developing Personal and Social Responsibility
Educated Public Relations: School Safety 101
Gangs in Schools: Breaking Up is Hard To Do
School Crime & Violence: Victims' Rights
School Safety Check Book
Set Straight on Bullies
The Need to Know: Juvenile Record Sharing

NSSC Resource Papers:
"Corporal Punishment in Schools"
"Drug Traffic & Abuse in Schools"
"Increasing Student Attendance"
"Role Models, Sports & Youth"
"Safe Schools Overview"
"School Crisis Prevention & Response"
"School Bullying & Victimization"
"Student Searches & the Law"
"Student & Staff Victimization"
"Weapons in Schools"

Films/Videotapes:
"School Crisis: Under Control" (VHS)
"High Risk Youth/At the Crossroads" (VHS)
"Set Straight on Bullies" (VHS, 16mm)
"What's Wrong With This Picture?" (VHS)

Campaign Posters:
"Join a team, not a gang!" (Kevin Mitchell)
"Bullying is uncool!" (William "Fridge" Perry)
"Facades . . . " (two poster set — message about self-respect from former drug abusers)

For more information, current prices and availability, contact:

National School Safety Center
Pepperdine University
Malibu, California 90263

or

National School Safety Center
4165 Thousand Oaks Blvd., Suite 290
Westlake Village, CA 91362
805/373-9977

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